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SUBJECT: EL SALVADOR 2006 TRAFFICKING IN PERSONS REPORT

REF: SECSTATE 03836

1. (SBU) The following is Post's submission for the 2006 Trafficking in Persons Report. The format tracks paragraphs 21 to 24 in reftel. Post POC is INL Country Director J. Brian Duggan, 011-503-2501-2037. For OMB purposes, Duggan (FS-03) spent 10 hours compiling the following information. Senior FSN Karla Ramirez also spent 10 hours on the report.

21. Overview of Activities to Eliminate TIP

A. El Salvador is a source, transit, and destination country for trafficked women and girls. There is no evidence to suggest that men are trafficked within El Salvador. It remains unknown if boys are trafficked. Neither the GOES nor NGOs can provide an educated estimate of the number of trafficked victims. Trafficking occurs within the country's borders. The GOES maintains governance over all Salvadoran territory. Women and girls are at the greatest risk of being trafficked for commercial sexual exploitation.

B. The vast majority of foreign trafficked victims are from Nicaragua and Honduras. Externally, Salvadorans are trafficked to Guatemala, Mexico, and the United States. Internally, Salvadorans are trafficked from rural to urban areas. Most victims are young women -- often minors -- who are deceived by offers of employment as waitresses or domestic servants. They are then trafficked to topless bars where they are forced to work as prostitutes. Some victims accept employment as prostitutes, but wrongly assume that they can choose their clients. A smaller number of victims are physically and forcibly moved from one location to another for purposes of commercial sexual exploitation. The National Civilian Police are dedicated to arresting traffickers and rescuing victims. Cooperation between the Attorney General's office and the police needs to be improved.

C. El Salvador is a poor country with few natural resources and a small tax base. All government efforts, including police efforts, are hampered by limited funding. Post has no evidence of systemic corruption within the police force. Corruption in the judiciary, though not systemic, is widely

rumored.

¶D. The GOES does not systematically monitor its anti-trafficking efforts. The police and prosecutors maintain statistics on arrests and prosecutions.

¶22. Prevention

¶A. The GOES acknowledges trafficking as a problem.

¶B. The following GOES agencies are all involved in trafficking issues: the police (PNC), Migration (Direccion General de Migracion y Extranjeria), the Attorney General's office (Fiscalia General), child welfare services (ISNA), and police social services (Division de Servicios Juveniles y Familia). The PNC is the lead agency.

¶C. In the past, the GOES has sponsored radio and television anti-trafficking campaigns. In January 2006, the Ministry of Foreign Affairs trained its consuls on how to identify and assist trafficking victims.

¶D. In February 2005, the GOES developed The Social Opportunities Plan (Oportunidades) to assist low income and head-of-household women. The plan provides individual loans for agriculture or micro-businesses and constructs markets at which women can sell their goods. The plan also offers training, health care, and basic services for those who qualify.

¶E. N/A.

¶F. The GOES is open and transparent in its dealings with NGOs and multinational organizations (ILO and IMO). The GOES usually agrees to pay some portion of the costs for anti-trafficking projects.

¶G. The GOES does not scientifically monitor immigration flows to detect trafficking patterns. The PNC screens for smugglers (primarily) and traffickers at ports of entry. Most trafficking victims travel to El Salvador of their own volition in search of employment and are later trafficked (by deception) after their arrival.

¶H. El Salvador has a National Committee Against Trafficking in Persons composed of the agencies listed in paragraph 22B.

¶J. The GOES has a national plan against trafficking. The plan is more theoretical than operational, and cannot be used to measure success.

¶23. Investigation and Prosecution of Traffickers

¶A. In October 2004, El Salvador's National Assembly amended Articles 367 (B) and (C) of the Penal Code to criminalize trafficking in persons and forced prostitution, and conspiracy to commit these acts as felonies. The new law applies to both internal and external trafficking. The law defines trafficking in accordance with international standards, and is adequate to address all trafficking instances. No new laws were enacted since the last TIP report.

¶B. Trafficking, in whatever form (sexual or labor), carries a sentence of four to eight years in prison. Conspiracy to traffic, including facilitation of trafficking, has a sentence of three to six years in prison. Sentences will be increased by one-third under the following aggravating circumstances: 1) the trafficker holds a public office of authority (police, immigration official); 2) the trafficker holds a position of trust in relation to the victim (teacher, supervisor, caregiver); the victim is seventeen years of age or younger, or is a person of reduced mental capacity.

¶C. Sexual assault carries a sentence of six to ten years in prison. The sentence for sexual assault on a minor or person of reduced mental capacity is fourteen to twenty years in prison. In both cases, aggravated sexual assault increases the penalties by one-third. With respect to minors and persons of reduced mental capacity, penalties against sexual assault are significantly stronger than those against trafficking in persons.

¶D. As a private transaction, prostitution itself is not criminalized. Pandering, which involves a third party (pimp), is illegal. However, if the prostitute is of majority age (18) and is not working under coercion, pandering laws are not enforced. Prostitution is neither regulated nor promoted by the government.

¶E. The PNC arrested 17 individuals for trafficking; the Attorney General's office achieved four convictions with sentences of three to eight years in prison.

¶F. Owners of topless bars and private brothels appear to be the primary traffickers. Some victims are transported by an organization, while others arrive on their own in response to a job offer to work as a domestic servant. Foreign victims, usually neighboring Nicaraguans and Hondurans, do not need passports or visas to enter El Salvador. Post is not aware of any involvement in trafficking by government officials. There are no reports relative to the profits of trafficking. As many of the traffickers are owners of topless bars, one can presume that the profits are laundered through the bars.

¶G. According to the Salvadoran constitution, the order to conduct a criminal investigation must originate from the Attorney General's office. If the police conduct an investigation without supervision from the AG office, any resulting arrests are invalid and the arrested individuals are freed. The PNC has a very capable unit dedicated to pursuing trafficking cases. Cooperation between the Attorney General's office and the police needs to be improved.

¶H. Trafficking courses are taught at the National Police Academy. Police officers receive additional advanced training from OPDAT, ILEA, and local INL.

¶I. The GOES has a Memorandum of Understanding with Mexico and Guatemala relative to the repatriation of trafficking victims. During the reported period, the GOES cooperated with the governments of Belize, Guatemala, and Nicaragua on trafficking cases. Overall, the GOES is a willing and active partner in international trafficking investigations.

¶J. The GOES has not received any requests for extradition on trafficking charges. Extradition of Salvadoran nationals depends on reciprocity and the preservation of Salvadoran constitutional rights (e.g., no life in prison).

¶K. Post has no knowledge of government involvement in or tolerance of trafficking.

¶L. N/A

¶M. Post has no knowledge of child sex tourism in El Salvador.

¶N. The GOES is a party to the following international instruments: ILO Convention 182, ratified June 15, 2000; ILO Convention 29 and 105, ratified July 14, 1994; Optional Protocol on the CRC, ratified March 23, 2004; The Protocol to Prevent, Suppress, and Punish TIP, ratified December 23, 2003.

¶24. Protection and Assistance to Victims

¶A. The GOES provides medical and psychological assistance for all victims. Previously, the GOES deported foreign victims as soon as they were medically stable. During the rated period, the Ministry of Foreign Affairs has gone to

great pains to contact their counterparts in the receiving country to ensure an orderly repatriation. Foreign victims that have a credible fear for their life may remain in El Salvador as refugees. Presently, foreign victims are not eligible for residency.

¶B. The GOES do not fund trafficking NGO's for lack of resources.

¶C. All minor victims are placed with child welfare services (ISNA) as soon as they are medically stable. There are several NGOs that accept adult trafficking victims who provide services for battered women.

¶D. Victims rights are respected. Victims are not charged with crimes, and foreign victims are no longer deported.

¶E. Victims are encouraged to participate in the investigation and prosecution of traffickers. Unfortunately, contingency fees are not used in El Salvador. As most victims are poor, they cannot afford to hire an attorney to pursue civil damages against traffickers.

¶F. The GOES is developing a witness protection program. In the meantime, there is no long-term protection for witnesses. The GOES has rented and is paying for a house to serve as a TIP shelter. The shelter will be able to accommodate up to 50 victims at a time. The International Migration Organization has a grant from PRM to equip the shelter, but has thus far failed to do so. The GOES has contracted with local NGO Huellas to operate the shelter. Huellas will provide medical and psychological services. The social services unit of the PNC has been operating a provisional shelter during the rated period. All child victims are placed with child protective services (ISNA).

¶G. El Salvador hosted a regional TIP conference in February 2006 relative to training consular officials on identifying and assisting trafficking victims. The GOES recently developed a handbook (Guia de Servicio Exterior para el Combate de la Trata de Personas) on trafficking for consular officers serving abroad. OPDAT, ILEA, and local INL train police officers and migration officials on victim's assistance.

¶H. Underage victims are placed with child welfare services (ISNA), which provides shelter and medical assistance. Adult victims are provided temporary shelter through the Welcome Home program that assists recently deported Salvadorans. In the near future, adult victims will be placed in the new TIP shelter.

¶I. The following organizations assist trafficking victims in El Salvador: Fundacion Huellas, Doctors Without Borders, PADECOMS, CONAMUS, CEMUJER, CARECEN, International Red Cross. They provide medical and psychological services, as well as food and shelter.
Barclay